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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,054	05/08/2001	Joachim Jauert	GTP/US 3169	2178

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EXAMINER

PERVEEN, REHANA

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,054

Applicant(s)

JAUERT, JOACHIM

Examiner

Rehana Perveen

Art Unit

2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Baily, Patent No. 5,376,920.

As to claims 1, 11, and 12, Baily teaches a power switch (switch 1) having switch positions and including a first switch (pole 3) and a second switch (pole 5); the first switch being connected in series with the second switch (figure 1, col. 2 lines 50-63); the first switch and the second switch selectively opening and closing only jointly (figure 1, col. 2 lines 59-63); a sensor having a first input, a second input, and an output (power detection 21, figure 1, col. 2 lines 63-67); the second input of the sensor to be connected to a first conductor selected from the group consisting of a first live conductor, a second live conductor, and a neutral conductor (figure 1, col. 2 lines 63-67); the second switch having a first contact and a second contact (figure 1); the first contact to be connected to a second conductor selected from the group consisting of the first live conductor, the second live conductor, and the neutral conductor (figure 1); the second contact of the second switch being connected to the first input of the sensor for passing a measurement current to the first input of the sensor when a voltage is

applied and the power switch is switched on (col. 2 line 50 – col. 3 line 4); and a microprocessor operatively connected to the sensor, the output of the sensor transmitting an output signal corresponding to one of the given switch positions of the power switch to the microprocessor (col. 3 lines 1-39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baily, Patent No. 5,376,920.

As to claims 2-7, Baily does not expressly teach the specific components of the sensor. However, one of ordinary skill in the data processing art would have readily recognized that specific components claimed such as a DC coupler, an optocoupler, an isolating transformer, a signal former having a Schmitt trigger, a threshold circuit, or a monoflop have been quite well known including the benefits and advantages of using such components alternatively within a sensor environment, thus rendering it obvious to utilize such in the prior existing systems.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baily, Patent No. 5,376,920, in view of Thompson, Patent No. EP000327881A1.

As to claims 8 and 9, Baily does not expressly teach a sensor shift register, an actuator shift register, a relay assembly, and a sensor/actuator control board. Thompson inherently teaches such components as a part of circuitry for providing a switch-off delay since Thompson discloses providing a switch off delay. It would have been obvious for one of ordinary skill in the art at the time of the invention to utilize such components since the benefits and advantages of these prior existing components have been quite well known.

As to claim 10, Baily does not expressly teach a third switch connected in parallel to the power switch and being controlled by the microprocessor for providing the switch-off delay. Thompson teaches a switch connected in parallel to a power switch and being controlled by a microprocessor for providing the switch-off delay (abstract).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Baily and Thompson because Thompson's switch-off delay, when incorporated into Baily's system, would have enabled improved protection for the power switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 703-305-8476. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rehana Perveen
Primary Patent Examiner
Technology Center 2100